

Lawrence S. Lustberg  
Kate E. Janukowicz  
**GIBBONS P.C.**  
One Gateway Center  
Newark, New Jersey 07102  
Tel.: (973) 596-4731

Jonathan F. Cohn (*pro hac vice*)  
Benjamin M. Mundel (*pro hac vice*)  
**SIDLEY AUSTIN LLP**  
1501 K Street, N.W.  
Washington, D.C. 20005  
Tel.: (202) 736-8110

*Counsel for Defendants Bayer Corporation,  
Bayer Healthcare Pharmaceuticals, Inc.,  
and Bayer Healthcare LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA ex rel.  
LAURIE SIMPSON,  
Plaintiff,

v.

BAYER CORPORATION; BAYER  
HEALTHCARE PHARMACEUTICALS,  
INC.; BAYER HEALTHCARE LLC; and  
BAYER AG,  
Defendants.

Civil No. 05-3895 (JLL) (JAD)

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**NOTICE OF MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT**

**TO:**

David A. Bocian  
Terence Zeigler  
Tyler S. Graden  
Asher A. Alavi  
KESSLER TOPAZ  
MELTZER & CHECK, LLP

280 King of Prussia Road  
Radnor, PA 19087  
Tel. (484) 270-1418  
Fax. (610) 667-7056  
[dbocian@ktmc.com](mailto:dbocian@ktmc.com)  
[tziegler@ktmc.com](mailto:tziegler@ktmc.com)  
[tgraden@ktmc.com](mailto:tgraden@ktmc.com)  
[aalavi@ktmc.com](mailto:aalavi@ktmc.com)

James E. Cecchi  
CARELLA BYRNE CECCHI  
OLSTEIN BRODY & AGNELLO, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068  
Tel. (973) 994-1700  
Fax. (973) 994-1744  
[jcecchi@carellabyrne.com](mailto:jcecchi@carellabyrne.com)  
Attorneys For Plaintiff-Relator

**COUNSEL:**

**PLEASE TAKE NOTICE** that at a time to be set by the Court, Defendant Bayer Corporation, et al., by and through its counsel of record, shall move before this Court for an Order granting its Motion for Partial Summary Judgment dismissing the 7th, 8th, 9th, and 10th counts in Relator's Tenth Amended Complaint with prejudice.

**PLEASE TAKE FURTHER NOTICE** that in support of its Motion, Bayer shall rely on the accompanying Memorandum of Law in Support of its Motion, Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1 Statement of Undisputed Material Facts, Declaration of Lawrence S. Lustberg with exhibits,

Proposed Form of Order, and upon the pleadings and all prior proceedings in the above-captioned action.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested for this Motion.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that a certificate attesting to the date and manner of service of these moving papers is submitted herewith.

Dated: October 5, 2018

Respectfully submitted,

s/ Lawrence S. Lustberg  
Lawrence S. Lustberg  
Kate E. Janukowicz  
**GIBBONS P.C.**  
One Gateway Center  
Newark, New Jersey 07102  
Tel.: (973) 596-4731  
[llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com)  
[kjanukowicz@gibbonslaw.com](mailto:kjanukowicz@gibbonslaw.com)